

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

JENNIFER MILLER,)
Plaintiff,)
v.)
MICHAEL J. ANDERSON, *et al.*,) Judge John R. Adams
Defendants,) Case No. 5:20-cv-01743-JRA
and)
FIRSTENERGY CORP.,)
Nominal Defendant.)

**CHARLES E. JONES'S REPLY BRIEF
IN SUPPORT OF ALL DEFENDANTS' MOTION TO DISMISS**

Charles E. Jones joins in the substantive legal arguments made in the reply memorandum filed by the other defendants (except Michael J. Dowling) in support of the motion to dismiss Plaintiff's amended complaint. (ECF 53.) As set forth in that memorandum, the amended complaint should be dismissed because Plaintiff lacks standing due to her unexcused failure to make pre-suit demand on FirstEnergy Corp.'s board.

Mr. Jones states, however, that while FirstEnergy's "employment actions" regarding his employment as CEO reflect the board of directors' independence (ECF 53 at 15-16), Mr. Jones does not acknowledge or believe that those actions were warranted or appropriate.

Dated: November 27, 2020

Respectfully submitted,

/s/ Daniel R. Warren

Daniel R. Warren (0054595)
Carole S. Rendon (0070345)
Douglas L. Shively (0094065)
Jeremy S. Dunnaback (0098129)
BAKER & HOSTETLER LLP
Key Tower
127 Public Square, Suite 2000
Cleveland, Ohio 44114-1214
Telephone: (216) 621-0200
Facsimile: (216) 696-0740
Email: dwarren@bakerlaw.com
Email: crendon@bakerlaw.com
Email: dshively@bakerlaw.com
Email: jdunnaback@bakerlaw.com

F. Joseph Warin (*admitted pro hac vice*)
William S. Scherman (*admitted pro hac vice*)
Christopher W.H. Sullivan (*admitted pro
hac vice*)
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5306
Telephone: (202) 955-8500
Facsimile: (202) 467-0539
Email: fwarin@gibsondunn.com
Email: wscherman@gibsondunn.com
Email: csullivan@gibsondunn.com

Attorneys for Defendant Charles E. Jones

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed electronically on November 27, 2020. Notice of this filing will be sent to all electronically registered parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Daniel R. Warren

Daniel R. Warren (0054595)

An Attorney for Defendant Charles E. Jones